

Attorney Docket: 522341-0350567
Client Reference: F-6236

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of:
YOSHIYA SHUN

Confirmation Number: 7525

Application No.: **10/577,018**

Group Art Unit: 4132

Filed: April 25, 2006

Examiner: LOPEZ, Ricardo E.

Title: ORNAMENT AND METHOD OF MANUFACTURING THE SAME

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Non-Fee Amendments

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the Office Action dated October 6, 2008, the period for reply being November 6, 2008, Applicants hereby elects the invention of Group I, claims 1 and 4, drawn to an ornament comprising a spherical body with a through hole and a hanging wire member inserted into the through hole. This election is made with traverse.

Applicants respectfully traverse the restriction requirement because it fails to comply with M.P.E.P. §803. In particular, it is respectfully submitted that claims 1-5 in this application may be searched and examined without a serious burden. M.P.E.P. §803 states: "If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." (Underlining emphasis added)

Notably, the claims in non-elected Group II include features that substantially overlap in subject matter with features recited in the claims of provisionally elected

Group I. A search for the invention in provisionally elected Group I therefore would encompass the field of search for claims in non-elected Group II.

Applicants therefore respectfully request withdrawal of the Restriction Requirement as to Groups I – II and examination on the merits of all of claims 1-5 in this application.

Reconsideration and withdrawal of the restriction requirement are respectfully requested.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Date: June 26, 2009

Respectfully submitted,

By:



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